

IN THE CLAIMS:

Please amend the claims to read as follows:

1. (Cancelled)
2. (Cancelled)
3. (Cancelled)
4. (Cancelled)
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21. (Cancelled)

22. (Cancelled)

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24. (Cancelled)

25. (Cancelled)

26. (Cancelled)

27. (New) A method for applying tubular bands from a supply of flat tubular material to a series of containers, comprising the steps of:

- a. advancing a first length of flat tubular material from the supply;
- b. opening the first length of flat tubular material to a two dimensional cross sectional shape;
- c. extending a gate to a location for preventing the first length of tubular material from passing the gate;
- d. separating the first length of tubular material from the supply of flat tubular material to form a cut sleeve;
- e. positioning a container in axial alignment with the cut sleeve;
- f. retracting the gate to a location for allowing the cut sleeve to pass; and
- g. advancing a second length of flat tubular material to discharge the cut sleeve onto the container.

28. (New) The method of claim 27, wherein the step of opening the first length of tubular material comprises drawing the tubular material over a spreader having a pair of

mutually perpendicular plates and disposed within the tubular material, and inserting the tubular material into a former having an internal shape adapted for opening flat tubular material.

29. (New) The method of claim 27, further comprising controlling the length of flat tubular material advanced from the supply in response to detecting a length indicator.

30. (New) The method of claim 27, further comprising controlling the length of flat tubular material advanced from the supply in response to an encoder signal.

31. (New) The method of claim 27, further comprising the step of sensing the approach of a container prior to the step of retracting the gate .

32. (New) The method of claim 27, wherein the step of opening the cut sleeve comprises directing a fluid flow at an exterior side portion of the cut sleeve within the former.

33. (New) The method of claim 27, further comprising the step of preventing the cut sleeve from fully opening.

34. (New) An apparatus for applying tubular bands from a supply of flat tubular material to each one in a series of containers, comprising:

- a. a supply of tubular material in flat condition;
- b. a spreader for opening the tubular material positioned within the tubular material at a location downstream of the supply;
- c. means for advancing a selected length of the tubular material positioned downstream of the spreader;

- d. a cutter positioned downstream of the means for advancing;
- e. a former positioned downstream of the cutter for receiving and opening the tubular material;
- f. an extendable and retractable gate mounted adjacent an exit of the former; and
- g. means for sequentially positioning each one of a series of containers in axial alignment with and downstream of the former so that a cut length of opened tubular material is discharged from the former to circumferentially engage a container of the series of containers when a subsequent selected length of tubular material is advanced.

35. (New) The apparatus described in claim 34, further comprising means for extending and retracting the gate adjacent to the exit of the former in response to a signal generated by the approach of a container such that the gate, when in the extended position, retains the cut length in the former.

36. (New) The apparatus described in claim 35, wherein the gate is substantially planar and moveable in a plane substantially perpendicular to an axis of the former.

37. (New) The apparatus described in claim 34, wherein the means for advancing comprises a driven first pair of rollers.

38. (New) The apparatus described in claim 34, wherein the spreader is supported within the tubular material on a second pair of rollers.

39. (New) The apparatus described in claim 34, wherein the former comprises a hollow cylindrical portion that is substantially circular in cross section.

40. (New) The apparatus described in claim 34, wherein the former comprises a hollow cylindrical portion that is substantially square in cross section.

41. (New) The apparatus described in claim 34, further comprising a pair of opposed channels in side portions of the former extending from an entry to an exit of the former.

42. (New) The apparatus described in claim 34, further comprising means for directing a fluid flow at a selected portion of the cut length of flat tubular material to urge the cut length to open radially.

43. (New) The apparatus described in claim 34, further comprising an exit channel in the former configured to allow a cut length of tubular material to move horizontally with a conveyed container as the cut length moves downwardly onto the container.

44. (New) The apparatus described in claim 43, wherein the exit channel is formed substantially perpendicular to an axis of the hollow cylindrical portion of the former in a direction substantially parallel to a path of the container conveyor.

45. (New) The former for opening a cut length of flat tubular material to be mounted onto a container as described in claim 34, further comprising:

- a. a hollow cylindrical portion extending from an entry to an exit;
- b. a pair of opposed channels formed in side portions of the hollow cylindrical portion from the entry to the exit;
- c. a pair of opposed guide grooves formed in side portions of the hollow cylindrical portion from the entry to the exit and residing between the pair of channels; and

d. a constrictor plate to selectively reduce the open cylindrical portion and to prevent a cut length of tubular material from fully opening in the former.

46. (New) The former as described in claim 45, further comprising an exit channel in the former configured to allow a cut length of tubular material to move horizontally outwardly with a conveyed container as the cut length moves downwardly onto the container.

47. (New) The former as described in claim 46, wherein the exit channel is formed substantially perpendicular to an axis of the open cylindrical portion of the former in a direction substantially parallel to a path of the conveyed container.

Please enter the amendment above and examine the application on the basis of
this new set of claims.

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Date

Respectfully submitted,



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